

Meeting of 1998-11-24 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 24, 1998 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Cecil E. Powell, Mayor, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:40 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall bulletin board as required by law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: Charles Beller, Ward Six.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL AND REGULAR MEETINGS OF NOVEMBER 10, 1998

MOVED by Warren, SECOND by Smith, to approve the Minutes. AYE: Purcell, Shanklin, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for denial: Circle K Stores. Exhibits: Legal Opinion/Recommendation.

Vincent reported the item was tabled at the last meeting at the request of Circle K as their representative could not be present. The claim involved a water meter lid that struck a car causing damage; Circle K paid for that damage and filed a subrogation claim against the City. The Governmental Tort Claims Act provides that cities are exempt from liability for subrogation claims. Vincent recommended denial of the claim because it is not payable by the Act.

MOVED by Shanklin, SECOND by Purcell, to deny the claim. AYE: Shanklin, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

2. Hold a discussion concerning the City's fire hydrants, water transmission lines and water pressures available to provide fire protection and take appropriate action. Exhibits: 9/30/98 Memorandum with Attachments; 10/27/98 Memorandum; 7/27/97 Agenda Item and Minutes Excerpt.

Shanklin said this is sensitive material and he was hoping input could be received before prioritizing the CIP program. He said in several parts of town, especially in Ward 5, there are lead joints in the water system. Shanklin said Ihler and his staff had developed a five phase program to identify the low water supply areas, and that does not mean that they cannot fight fire but that it would take longer to put it out. He said once those are identified, funding will be needed to eliminate them. Shanklin asked Johnson to explain the five phase program, the areas involved, and a cost estimate.

Mike Johnson, Senior Civil Engineer, said staff is identifying locations with inadequate fire flows, which may be due to a faulty hydrant, inadequate distribution system or inadequate hydrant spacing. The task has been broken into

phases, with the first phase being preparation of accurate water system maps by computer. The CAD operators have been working on this over the past year; basic maps were completed last month showing the lines and their sizes; placement of valves and fire hydrants on the maps is yet to be done. Phase Two will consist of field verifying the location of all the hydrants and the GPS system will be used for that. Council recently authorized Engineering to lease that system and this phase may be complete by March 1, barring bad weather and other problems. This instrument will determine the exact coordinates in the field of the hydrants and valves, and that information will be downloaded into the GIS system. At the same time, staff will be preparing a data base of the information from the fire flows which the Fire Department has taken over the years. The data base will combine that information with the information from the Water Distribution Division maintenance records and that can be incorporated in the GIS system and looked at through the maps.

Johnson said Phase Three will be an analysis by the Engineering Division of the data. Required fire flows for each area will be determined. Residential areas have different requirements than commercial areas on fire flows, depending on the type of construction, such as sprinklers, and there are several considerations, so staff will review the required fire flow and the available fire flow from the hydrant testing data. There are many undersized lines, such as four inch lines, and these are locations where there can be low fire flows. The analysis will include a review of existing hydrant spacing and required hydrant spacing.

Shanklin asked if the four inch lines would be a priority to replace first. Johnson said he believed they would be and that a four inch line would be indicative of a low fire flow so that would be a priority. Johnson said they would prepare a priority listing of lines and hydrants, cost estimates and maps to indicate the locations so Council can take appropriate action.

Johnson said Phase Four will consist of the Fire Department's continued testing of hydrants, which is currently set up on a five year program of full testing and then annual testing of just the flow from the hydrants. He said the information would go into the data base and the results of the testing will be shared and problem areas will be recognized by Engineering, Water Distribution and the Fire Department because the information on the data base will be linked on the server through MIS.

Johnson said the bottom line is the cost and that he would not venture a dollar figure at this time. He said his personal thinking is that the overall condition of the water system is not as bad as the sewer system, but it is an area where money is needed yearly in a significant amount.

Shanklin asked if there are a couple of areas that are currently in jeopardy. Johnson said there are some locations, and that he had previously mentioned the four inch lines. Johnson said there is an area on Larrance Street near Patterson Center where a preliminary analysis had been done and a cost estimate developed in the \$230,000 range to correct the lines and hydrant spacing in that area. Johnson said they visited with the Community Development Department to try to get some funding to move that project forward, and funding may be possible if they can combine the water line project with the Larrance Street Project, and that is being pursued at this time.

3. Consider taking action and disposing of public surplus parks and open space areas. Exhibits: List of Parks and Open Spaces to be disposed.

Rick Endicott, Acting Parks & Recreation Director, said Council tabled an item in July giving instructions that signs be established in certain parks which were recommended for disposal. He said he found that those instructions had not been followed so he was bringing the item back because it was tabled for 90 days and had not been returned. Endicott said the signs have been ordered and should be here within a week.

MOVED by Purcell, SECOND by Smith, to table the item for 120 days to give time for the signs and comments. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

4. Hold a public hearing and consider an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located approximately at 610 NE Flower Mound Road. Exhibits: Ordinance 98-44; Location Map; Application; LMAPC Minutes.

Bob Bigham, City Planner, said the applicant is Lance Wade and there are two tracts relating to this request on NE Flower Mound Road. He pointed out the following areas on a view graph map: Skyline East Addition, Sherwood Mobile Home Park, Lance Wade's home, the two tracts in question; tract a is 2.2 acres and tract b is 1.8 acres. Zoning of the parcel is agricultural and application was made for single family zoning for the construction of single family housing. LMAPC held a public hearing on October 28 and no one appeared to speak; LMAPC voted to approve this and recommended approval to Council. Proper notice was served. Staff recommendation is for approval.

Purcell asked if residential could be built in an agricultural zone. Bigham said yes but the minimum lot size is five

acres. Purcell asked if you could start building before it is rezoned, and stated he saw no problem with it but that it appeared to have been done after the fact.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Smith, to approve Ordinance No. 98-44, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 98-44

An ordinance changing the zoning classification of the tract of land which is hereinafter more particularly described in Section One (1) hereof from the existing classification of A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance. (Note: 98-44 was assigned to an ordinance at the last meeting and the number 98-44 on this ordinance is shown as a duplicate number.)

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Hold a public hearing, receive citizen input, and consider approving the Consolidated Annual Performance Report (CAPER) for Federal Fiscal Year (FFY) 1997 for submission to HUD. Exhibits: CAPER Executive Summary; CDBG Summary; HOME Summary.

Frank Pondrom, Housing and Community Development Director, said we are required to submit an annual report to HUD, and a major portion is receiving input from citizens. He presented slides to show the gist of the contents of the report. Presentation is summarized as follows: Previous balance in the two federal programs that are operated in CDBG and HOME as of 1 July, 1997, was \$1,186,632; HOME funds unexpended were \$1,298,189. HOME amount received was \$440,000 and program income was received through the year which must be added in to come up with the amount of funds available for a particular project. \$1,172,862 was spent in Block Grant and almost \$400,000 was spent in the HOME program. As of June 30, 1998, the balance in Block Grant was \$1,287,072 and in the HOME \$1,337,226.

Pondrom presented a slide showing Block Grant balances at \$1,186,000 and the amount of new program funds of \$1.1 million and \$95,000 of program income added in; a green column showed the expenditures in the Block Grant program and the new balance. He said we started off the year with a little bit more than we had from the previous July. The next slide showed a break down with bars in different colors with blue representing the funds available, dark red showing expenses or encumbrances, and yellow the balances; of the funds available over the past year, we were best at spending money on housing, infrastructure, administration and planning and community services; we have fallen down a little bit and have not spent as much of the funds available in the area of park improvements, neighborhood facilities, and slum and blight are the other categories. Contingency is used as the need arises for projects.

Pondrom said the next slide shows water lines in blue, sewer lines in green and streets in red; some water lines are underway and some have been completed. He said the infrastructure is scattered through the low and moderate income areas. The next slide showed the individual projects and stages of progress by various colors and markings. The next slide showed who benefited from the projects and Pondrom said all showed they benefited more than 51% low and moderate income except for the 4500 G, and a special survey was done several years ago when the project was being considered in order to qualify that area in Country Club Heights and that is why that number falls below 51%, which would generally indicate that it would not be eligible.

Pondrom said the next slide shows the neighborhood facilities that we are currently working on, as well as two historic preservation projects both dealing with the Mattie Beal Home; one is completed and one is underway. There is a project at Patterson Center, the Owens Multi-Purpose Center, the Lawton View Project and the Dunbar School. He said three neighborhood facility projects were completed at the Owens Multi-Purpose Center and at the North Center Gym or King Center. The next slide showed what the projects were and the beneficiaries, and more people are served by putting money in neighborhood centers.

Williams said the H.C. King Center has a landscape project but shows 44% low or moderate income population served and asked how that qualified. Pondrom said the statistics for the area that the King Center served changed in 1996 and this project was qualified and in the program when there was still a service area of 51% low and moderate income but the project was still qualified and has been completed.

Shanklin asked who decides what area is qualified. Pondrom said HUD sends the statistics to the staff and for the Owens Center and King Center, we take the block groups served by those and add the statistics provided by HUD to determine whether or not that center would serve low and moderate income persons. Pondrom said it is not the location of the project but who the project serves; the King Center is in the low and moderate income block group but it serves a larger area which is not a low and moderate income area because there is not at least 51%. The

corollary to that, in the Patterson Center, it now is not in a low and moderate income block group but it does serve an area around Patterson Center which does include at least 51% in its service area, so that is why we come up with the different categories and eligibility considerations.

Haywood asked if the Owens Center served more than 60% low and moderate income person and where the statistics came from. Pondrom said the population served by the Owens Center, there are 17,000 people served using the block groups from the census and of those, 10,548 are low and moderate income; 10,548 divided by 17,000 is 60%. Pondrom said the critical number in order to be eligible is at least 51% low and moderate income persons. Haywood asked where the numbers come from. Pondrom said HUD provides a special census count and they are 1990 census figures.

Shanklin asked how the funds could be used for a water line problem in the Patterson area. Pondrom said the Patterson Center is in a low and moderate income area block group, but the block group does not contain at least 51%. The Patterson Center is in that same block group but it serves an area outside that block group and the service area, which is a combination of block groups from the census all added together, would qualify. When considering a water line, which would serve a lower number of persons, the statistics only go to the block group level. The water line in the block group, as the service area, if that block group does not have at least 51% low and moderate income, then that water line would not be eligible. Pondrom said just because a project is in a certain area is not a criteria; the criteria is who is served by it, and a water line in a block group with less than 51% would not be eligible; a neighborhood facility in a block group with less than 51% may be eligible because it may serve an area that is larger than the block group. Shanklin said he would like Pondrom to tell him at some point how he got the 900 and 1000 blocks of Arlington in CDBG money and Pondrom said he would be glad to do so.

Pondrom said the next slide shows the park projects and three were completed, some are still underway. Park projects were listed on the next slide and some parks serve more census tracts and block groups than their immediate locations, but if it is a neighborhood park, they say the block group is the service area. Next slide shows projects dealing with community services, such as MedTrans, Hospice, Christian Family Counseling, and Not Yet Pregnancy Prevention Program. These are direct service projects where the people who receive the benefit must fill out an application and be qualified on their own as opposed to an area benefit. The next slide shows the beneficiaries for these projects including MedTrans from 1996-97, the number of individuals served, and 1997-98 shows a larger number and that is because the MedTrans contract year extends beyond the normal federal fiscal year and part of it took place in one year and part in another. The Hospice program served 12 individuals. Christian Family Counseling served 388. Teen Pregnancy/HIV made presentations to over 2,800 individuals and information was not collected on the racial and ethnic characteristics, however, those presentations were made in low and moderate income areas through the schools.

Pondrom said the next slide deals with the demolition program; 18 structures were demolished last year in various places throughout the City, and a slide was not prepared showing each address because that would be giving too much information about an individual, and for privacy purposes, they declined to say the addresses, but all have been the subject of public hearings before City Council for condemnations.

Pondrom said HUD looks at the annual grant plus the program income, and they cannot have more than 1.5 times the annual entitlement plus program income on hand at the end of the year. At the end of the year, we had 1.2 so our rating was 1.01, which is well below the 1.5 which is the ceiling and if you exceed that, as we have in the past, they will write a letter to the Mayor asking why the money is not being spent fast enough. This is a critical item for HUD because when national legislation comes up to request more block grant funds or more funds for cities, the argument is brought up that there is so much money in the pipe line and this cuts down on the money in the pipe line and demonstrates that the cities are spending the money in a timely fashion.

Pondrom said he was recommending that some park projects and a MedTrans vehicle be canceled, and Council is considering disposal of Vernon Park, which was the location of one of the projects. He said because the improvements would probably still have a benefit to low and moderate income, you could leave the project in or cancel it, at Council discretion; if playground equipment is installed and then transferred to the City, he did not think it would violate any CDBG regulations if the park equipment would still go to help low and moderate income persons.

Haywood asked Pondrom if he wanted to cancel Wonderland Park. Pondrom said the projects do not amount to \$15,000 and they have been outstanding for several years; they are starting the planning process for next year and if the projects are still viable, he would discuss it with the Parks & Recreation Director and put it in for funding next year. Pondrom said public hearings would be held on the issue and it would only be his recommendation, and Council can keep any of them.

Purcell said two or three park projects were approved in 1995 and asked why they had not been done. Pondrom said he felt they were such small items that they fell through the cracks since Parks & Recreation had other projects to do. Purcell said the first one is not small. Pondrom said that was for a MedTrans vehicle and it was not spent because GPIF found another way to get the funds to provide a vehicle, and it only cost them \$7,000 and the

City did not have to participate, so he was suggesting that be put back for reprogramming during the upcoming public hearings on projects.

Tom Aplin presented information on the HOME Program. Housing projects are funded from CDBG and the HOME Investment Partnership Program. He pointed to slides showing the three projects funded by CDBG, the number of activities performed over the reporting period, the funds available at the beginning of the period, expenditures for the period, and the balance at the end of the period in each of the projects.

Aplin said the HOME program began with funding, the annual grant amount was received, there was no program income. He pointed out the amount expended and the amount remaining. Aplin presented a slide showing a graphical depiction of money available, spent and remaining at the end of the period. A slide was presented showing the HOME program housing projects, the total activities performed during the period, funds available at the beginning of the period, amount of expenditures, and remaining balance at the end of the period, including category. A slide was presented showing the housing projects combined, both HOME and CDBG, by category by color code; the intent was to show the distribution throughout the City.

Aplin presented a slide showing the beneficiaries of the housing programs and different categories of projects, the number of housing units involved in each, and the households that were benefited. The Great Plains Improvement Foundation serves as the Community Housing Development Organization, and they have reached the maximum amount of transitional housing they can effectively manage. Their charter was to purchase additional houses for that purpose but since they are unable to effectively manage those at this time, CHDO funds in the future will be devoted to housing projects such as new construction and development and those sorts of activities. He said that was addressed in the 1998 plan and will also be shown when the Consolidated Plan is next updated.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

Purcell said he got the information booklet yesterday afternoon and would like additional time to review. He asked if a deadline would prevent Council from tabling this to the next meeting and response was no.

MOVED by Purcell, SECOND by Warren, to table this to the next meeting. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: Haywood. MOTION CARRIED.

6. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, increasing sewer rates to fund Phase I of the Wastewater Rehabilitation Program and take appropriate action. Exhibits: Resolution No. 98- (Exhibit A); Resolution No. 98- (Exhibit B).

Baker said these are the companion items addressed previously in the Water Authority. Vincent said at least the first item will require six votes.

MOVED by Williams, SECOND by Purcell, to approve Resolution No. 98-197, exhibit A, for \$2.35 per unit. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-197

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, increasing the rate for sewer service and establishing an effective date.

7. Consider authorizing the filing of a preapplication to the Oklahoma Water Resources Board (OWRB) requesting financial assistance for Phase I Sanitary Sewer Rehabilitation in the amount of approximately \$15,200,000.00. Exhibits: Preapplication to OWRB.

MOVED by Shanklin, SECOND by Smith, to authorize the filing of a preapplication to the Oklahoma Water Resources Board (OWRB) requesting financial assistance for Phase I Sanitary Sewer Rehabilitation in the amount of approximately \$15,200,000.00. AYE: Williams, Sadler, Purcell, Shanklin, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

8. Consider approving a resolution authorizing the filing of an application with the Oklahoma Water Resources Board (OWRB) for financial assistance to complete Phase I of the Sanitary Sewer Rehabilitation Program. Exhibits: Resolution No. 98-198.

MOVED by Smith, SECOND by Haywood, to adopt Resolution No. 98-198. AYE: Sadler, Purcell, Shanklin, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-198

A resolution authorizing the Lawton Water Authority to file an application with the Oklahoma Water Resources Board for financial assistance in the form of a loan through the Financial Assistance Program and/or through the State Revolving Fund Program for the purpose of financing projects relating to the City of Lawton sanitary sewer system; and containing other provisions related thereto.

9. Consider approving a resolution providing preliminary authorization for issuance of revenue obligations in the amount of approximately \$15,200,000 for sanitary sewer improvements and stating the intent of the Authority to reimburse itself or the City from the proceeds of the obligations for expenditures for the sanitary sewer improvements. Exhibits: Resolution No. 98-199.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 98-199. AYE: Purcell, Shanklin, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-199

A resolution providing preliminary authorization for issuance of revenue obligations for sanitary sewer improvements (The "Obligations"); stating the intent of the Authority to reimburse itself or the City from the proceeds of the obligations for expenditures for the sanitary sewer improvements; describing the period of reimbursement; stating the maximum principal amount of the obligations; and containing other provisions relating thereto.

10. Consider an ordinance amending Section 9-1-118, Lawton City Code, 1995, to increase the maximum bond for cases where the defendant has a history of failure to appear for court, and providing for an effective date. Exhibits: Ordinance No. 98-45.

Vincent said the ordinance was requested by Municipal Judge Ken Harris and staff recommended approval. He said the Legislature provided a mechanism where municipal courts not of record could increase their bond amount for habitual persons who do not appear when ordered to do so by the judge.

MOVED by Smith, SECOND by Haywood, to approve Ordinance No. 98-45, waive reading of the ordinance, read the title only.

Vincent noted the item title was not prepared to show an emergency, so the ordinance should not be adopted as an emergency.

(Title read by Clerk) Ordinance No. 98-45

An ordinance relating to the amount of bond which can be set by the Municipal Judge in certain cases, amending Section 118, Article 1, Chapter 9, Lawton City Code, 1995, providing for an increase in the limit for bond from twice the maximum possible fine to One Thousand Dollars (\$1,000.00) in cases where the defendant has a history of failure to appear.

VOTE ON MOTION: AYE: Shanklin, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

11. Consider awarding contract for Printed Plastic Trash Bags and authorizing the expenditure of Council Contingency Funds. Exhibits: Mailing list; Bid Tabulation; Recommendation.

MOVED by Shanklin, SECOND by Warren, to table the item until the RFP's are back on the composting. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

12. Consider the following damage claims recommended for denial: James and Anna Gogerty; and William and Donna Randall. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

13. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Richard and Miriam Bizzaro; Johnnie and Rita Francis; Jason Harden; Mark and Lucinda Henry; Robert and Kum Ye Peterson; Jacquelyn Rasberry; Red Rock, Inc.; Donald and Cha Sun Schaefer; Robert and Doris Smith; and Ralph and Betty Wimmer. Exhibits: Legal Opinions/Recommendations. (Resolution No. 98-200; 98-201; 98-202; 98-203 on file) Peterson claim: \$310.00; Rasberry claim: \$145.00; Red Rock, Inc. claim: \$80.00; Schaefer claim: \$93.85; Smith claim: \$7.50; Wimmer claim: \$105.00.

(Title only) Resolution No. 98-200

A resolution authorizing and directing the City Attorney to assist Richard and Mirian Bizzaro in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Nine Hundred Seventy-Seven Dollars and 16/100s (\$977.16).

(Title only) Resolution No. 98-201

A resolution authorizing and directing the City Attorney to assist Johnnie and Rita Francis in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Five Hundred Thirty-Nine Dollars and 05/100s (\$1,539.05).

(Title only) Resolution No. 98-202

A resolution authorizing and directing the City Attorney to assist Jason Harden in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Eight Hundred Seventy-Six Dollars and 94/100s (\$876.94).

(Title only) Resolution No. 98-203

A resolution authorizing and directing the City Attorney to assist Mark and Lucinda Henry in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Eight Hundred Nine Dollars and 58/100s (\$809.58).

14. Consider authorizing the Mayor and City Clerk to execute Addendum #1 to the Consent Order in Case No. 95-019(A) with the Oklahoma Department Environmental Quality (ODEQ) allowing the City to cease biomonitoring sampling, analysis and reporting immediately until November 1, 1999 at the Wastewater Treatment Plant due to Phase II construction work. Exhibits: Addendum to Consent Order; Consent Order - Case No. 95-019(A) signed 9/10/97. Action: Approval of item.

15. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Debra G. Adams in the Workers' Compensation Court, Case No. 96-22999Y. Exhibits: Resolution No. 98-204.

(Title only) Resolution No. 98-204

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Debra G. Adams for the amount of Thirteen Thousand Dollars and 00/100s (\$13,000.00), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

16. Consider authorizing sponsorship and support of "Lawton First Night '99". Exhibits: Letter with attachments. Action: Approval of item.

17. Consider approving the construction plat for Willow Park Addition, Section 1, subject to conditions. Exhibits: Plat Map; Preliminary Development Plan. Action: Approval of item.

18. Consider approving the construction plat for Lawton Technology Park subject to conditions. Exhibits: Plat Map. Action: Approval of item.

19. Consider approving agreements for refuse disposal with the Town of Geronimo and the Town of Temple, and authorize the Mayor and City Clerk to execute the Agreements. Action: Approval of item.

20. Consider authorizing the Mayor and City Clerk to execute a lease agreement with Jay Davis to store City vehicles in an enclosed facility which may be heated. Exhibits: None. Action: Authorize the Mayor and City Clerk to execute a lease agreement with Jay Davis for a period of approximately four (4) months at a cost of \$500.00 per month to store City owned vehicles.

21. Consider authorizing an increase in the City's portion of a contract with the County for the Flower Mound Road (Lee Boulevard to Bishop Road) Project. Exhibits: Location Map. Action: Approval of item.

22. Consider awarding a construction contract to Wee Construction Co. Inc. for the Neal Boulevard Waterline Project 98-10. Exhibits: Layout Map. Action: Award a construction contract to Wee Construction Co., Inc., for the Neal Boulevard Waterline Project 98-10 in the amount of \$29,045.00.

23. Consider rejecting bid proposals for the H.C. King Parking Project 98-9 and authorizing staff to readvertise for bids. Exhibits: Location Map; Bid Tabulation. Action: Approval of item.

24. Consider rejecting the bid proposal for the Central Fire Station Renovation Project 97-16 and authorizing staff to readvertise for bids. Exhibits: None. Action: Approval of item.

25. Consider approving a contract with ArtsPower to present two performances by Dance Asia to area students at McMahon Memorial Auditorium on February 10, 1999. Exhibits: Flyer. Action: Approval of item.

26. Consider awarding contract for CAD/GIS Workstations. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Award contract to Tri-Star Computer.

27. Consider awarding contract for cellular telephone service. Exhibits: Vendor's mailing list; Bid tabulation; Department Recommendation. Action: Award contract to U.S. Cellular.

28. Mayor's Appointments. Exhibits: Memorandum.

Citizens' Advisory Committee (CIP): Leland P. Blackwell, Ward 3, Term: 11/24/98 to 11/24/2001

Traffic Commission: Corporal Westerfield, Fort Sill Rep., Term: Undefined.

Human Rights & Relations Commission: John Gomez, Handicap Rep., Term: 11/24/98 to 9/30/2000

29. Consider approval of payroll from November 16 to November 29, 1998. Exhibits: None.

MOVED by Williams, SECOND by Smith, for approval of the Consent Agenda items as recommended. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a proposed settlement in the civil suite styled Green v. Holden Production, et al., Case No. 91581, in the Oklahoma Supreme Court, and, if necessary, take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suite styled David R. Graham, vs. The City of Lawton, Case No. CJ-98-229, in the District Court of Comanche County, and, if appropriate, take action in open session. Exhibits: None.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the claim of Helen J. Coffee, and, if necessary, take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuit styled White, et al. v. City of Lawton, et al., Oklahoma Supreme Court, Case No. 81698. Exhibits: None.

Vincent asked that Item 32 be tabled until the first meeting in December.

MOVED by Smith, SECOND by Williams, to table Item 32 until the first meeting in December. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Haywood. NAY: None. MOTION CARRIED.

MOVED by Purcell, SECOND by Haywood, to convene in executive session to consider Items 30, 31 and 33, as shown on the agenda and recommended by the legal staff. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 7:55 p.m. with roll call reflecting all members present except Beller.

Vincent reported the Council met in executive session to discuss the settlement negotiations that took place at the Supreme Court ordered settlement regarding Green v. Holden Productions, Case No. 91581 of the Supreme Court. Vincent recommended approval of the resolution settling the case against the City in the total amount of \$50,000, and authorize the Mayor and City Clerk to sign the resolution.

MOVED by Shanklin, SECOND by Warren, to approve Resolution No. 98-205. AYE: Sadler, Purcell, Shanklin, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-205

A resolution authorizing and directing the City Attorney to settle a civil suit styled Green v. Holden Productions, et al., Oklahoma Supreme Court, Case No. 91,581.

Vincent reported Council met in executive session to discuss David R. Graham v. City of Lawton, Comanche County Case No. CJ-98-229. Vincent recommended ratification of the action of the City Attorney in filing the answer and counter claim against Mr. Graham and approve a contract with John Zelbst to represent the individual police officers involved in the suit, and authorize the Mayor and City Clerk to execute the agreement.

MOVED by Purcell, SECOND by Smith, to ratify the action of the City Attorney in filing the answer and counter claim against Mr. Graham and approve a contract with John Zelbst to represent the individual police officers involved in the suit, and authorize the Mayor and City Clerk to execute the agreement. AYE: Purcell, Shanklin, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

Vincent reported Council met in executive session regarding White, et al. v. City of Lawton and the possibilities of that case, and with Council approval, he would like to make available to the media and the public two documents

which were passed out in executive session; one is a memorandum from Ronnie Graves to Jerry Ihler dated November 23, 1998, and the other is a four-page chart of the impact of the potential injunction against the City. He said with Council approval, he would pass those documents out to anyone who wanted them.

MOVED by Warren, SECOND by Haywood, to approve distribution of documents as reported by the City Attorney. AYE: Shanklin, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Williams invited Council and the public to the Museum of the Great Plains on the afternoon of December 6 for the presentation of a sculpture by the McMahon Foundation.

Purcell asked if December Council meeting dates were the 8th and 15th and response was yes.

Baker said proposals were opened for composting; two were received. He said he had discussed it very briefly with the Mayor and suggested that if two or three Council members would like to work with staff and review them, it would be appreciated.

Mayor Powell wished everyone a Happy Thanksgiving and holiday season.

There was no further business to consider and the meeting adjourned at 8:00 p.m. upon motion, second and roll call vote.